

PISANELLI BICE
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

James J. Pisanelli, Esq., Bar No. 4027
JJP@pisanellibice.com
Debra L. Spinelli, Esq., Bar No. 9695
DLS@pisanellibice.com
M. Magali Mercera, Esq., Bar No. 11742
MMM@pisanellibice.com
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101
Telephone: 702.214.2100

Bryan A. Merryman, Esq. (admitted *pro hac vice*)
J. Taylor Akerblom, Esq. (admitted *pro hac vice*)
WHITE & CASE LLP
555 S. Flower Street, Suite 2700
Los Angeles, CA 90071-2433
Telephone: 213.620.7700

Attorneys for Gerber Products Company

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

D.M.P., a minor child by and through his legal guardian, ANNIE POMPA MOREJON;
C.V.P. a minor child by and through his legal guardian, RUBY PEREZ CHINO; C.R.C., a minor child by and through his legal guardian, AMERICA CARDONA; J.P., a minor child by and through his legal guardian, JESENIA PLASCENCIA; D.P. a minor child by and through his legal guardian, MARGARET PETNEAUD,

Plaintiffs,

vs.

BEECH-NUT NUTRITION COMPANY, INC.; GERBER PRODUCTS COMPANY; PLUM PBC, d.b.a. PLUM ORGANICS; SPROUT FOODS, INC.; and WALMART, INC.,

Defendants.

CASE NO.: 2:23-cv-00344-CDS-EJY

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE TO
SERVE INITIAL DISCLOSURES**

(Second Request)

IT IS HEREBY STIPULATED AND AGREED by and between plaintiffs D.M.P., C.V.P., C.R.C., J.P., and D.P. (“Plaintiffs”) and defendants Beech-Nut Nutrition Company, Gerber Products Company, Plum PBC, Sprout Foods, Inc., and Walmart Inc. (“Defendants”) (collectively, the “Parties”), by and through their respective counsel of record, subject to the Court’s approval, that the deadline for the Parties to exchange their initial disclosures currently set

PISANELLI BICE
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

for October 27, 2023 pursuant to the Stipulation and Order to Extend Deadlines to Submit Discovery Plan and Serve Initial Disclosures (First Request) (ECF No. 47), should be extended until 14 days after the Court enters a discovery plan and scheduling order. Good cause exists to grant the stipulation. On October 24, 2023, this Court entered an Order on Defendants' Joint Motion to Sever (ECF No. 41) and Plaintiffs' Motion for Leave to Amend Complaint (ECF No. 53). (*See* ECF No. 71). Pursuant to that Order, the Court instructed the Parties to submit "a Discovery Plan and Scheduling Order reflecting agreed upon discovery, agreed upon individualized discovery, identification of discovery on which they do not agree, and a proposed scheduling order." (*Id.* 7:3-6). Thereafter, "the Court will hold a hearing to discuss and set a discovery plan and order." (*Id.* 4:5-6.) As the parties must still discuss the scope of discovery, by this extension, the Parties seek to more efficiently manage discovery in this case and avoid the unnecessary expenditure of party resources. This is the second stipulation for an extension of time to exchange initial disclosures, and is made in good faith and not for purposes of delay.

DATED this 27th day of October 2023.

PISANELLI BICE PLLC

By: /s/ M. Magali Mercera
James J. Pisanelli, Esq., Bar No. 4027
Debra L. Spinelli, Esq., Bar No. 9695
M. Magali Mercera, Esq., Bar No. 11742
400 South 7th Street, Suite 300
Las Vegas, NV 89101

Bryan A. Merryman, Esq.
(admitted *pro hac vice*)
J. Taylor Akerblom, Esq.
(admitted *pro hac vice*)
WHITE & CASE LLP
555 S. Flower Street, Suite 2700
Los Angeles, CA 90071-2433

Attorneys for Gerber Products Company

EVANS FEARS & SCHUTTERT LLP

By: /s/ David Gutke
David Gutke, Esq., Bar No. 9820
Hayley E. La Morte, Esq., Bar No. 14241
6720 Via Austi Parkway, Suite 300
Las Vegas, Nevada 89119

Attorneys for Sprout Foods, Inc.

MORRIS, SULLIVAN & LEMKUL, LLP

By: /s/ Will Lemkul
Will Lemkul, Esq., NV Bar #6715
Christopher Turtzo, Esq., NV Bar #10253
Jennifer Saccuzzo, Esq., NV Bar #6807
Christian Barton; NV Bar #14824
3960 Howard Hughes Pkwy., Suite 400
Las Vegas, NV 89169

Sean K. Claggett, Esq., Bar No 8407
William T. Sykes, Esq., Bar No. 9916
Jennifer Morales, Esq., Bar No. 8829
Donald Graham, Esq., Bar No. 16086
CLAGGETT & SYKES LAW FIRM
4101 Meadows Lane, Suite 100
Las Vegas, NV 89107

Aimee Wagstaff (admitted *pro hac vice*)
Madeleine Clavier (admitted *pro hac vice*)
WAGSTAFF LAW FIRM
940 N. Lincoln Street
Denver, CO 80203

Kimberly Channick (admitted *pro hac vice*)
WALSH LAW PLLC
13428 Maxella Avenue, Suite 203
Marina del Rey, CA 90292

WILEY PETERSEN

Alexandra M. Walsh (admitted *pro hac vice*)
WALSH LAW PLLC
1050 Connecticut Ave. NW, Suite 500
Washington, D.C. 20036

By: /s/ Jason M. Wiley
Robert J. Caldwell, Esq., Bar No. 7637
Jason M. Wiley, Esq., Bar No. 9274
Ryan S. Petersen, Esq., Bar No. 10715
1050 Indigo Drive, Suite 200B
Las Vegas, Nevada 89145

Attorneys for Plaintiffs

Livia Kiser, Esq. (admitted *pro hac vice*)
KING & SPALDING LLP
110 North Wacker Drive, Suite 3800
Chicago, IL 60606

BALLARD SPAHR LLP

By: /s/ Joel E. Tasca
Joel E. Tasca, Esq., NV Bar #14124
David E. Chavez, Esq., NV Bar #15192
1980 Festival Plaza Drive, Suite 900
Las Vegas, Nevada 89135

Peter Hsiao, Esq. (admitted *pro hac vice*)
KING & SPALDING LLP
633 W. Fifth Street, Suite 1600
Loas Angeles, CA 90071

Attorneys for Plum PBC dba Plum Organics

*Attorneys for Beech-Nut Nutrition
Company, Inc. and Walmart Inc*

ORDER

Based on the foregoing stipulation, and on the basis of good cause, it is ORDERED that the deadline for the parties to exchange initial disclosures currently set for October 27, 2023, shall be extended until 14 days after the Court enters a discovery plan and scheduling order.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: October 28, 2023